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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,383	01/30/2001	Hao Bi	CE08509R	2575

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EXAMINER

GANTT, ALAN T

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,383

Applicant(s)

BI ET AL.

Examiner

Alan T. Gantt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4 and 10-12 is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☒ Claim(s) 6-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/28/04 have been fully considered. Applicant primarily argues that the Schiff reference does not meet the claim language of claim 5. The examiner concurs and offers a new reference (Koo et al.) that, at the very least, suggests the conditions call for in the claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koo et al.

Regarding claim 5, Koo discloses a system and method that controls outer loop transmit power of uplink / downlink communications in a spread spectrum time division communication system. The system utilizes a channel-adaptive downlink outer-loop power control algorithm. A target block error rate (BLER) is communicated to the receiver, which causes step-up step-down sizes for the jump algorithm to be calculated. This system adapts to the time varying channel conditions (col. 9 line 62 to col. 10, line 35). The system operates such that each time a determination is made by an error detector device as to whether an error is present in a transmission time interval, a step up counter or a step down counter is incremented, the step up counter being incremented each time an error is detected, the step down counter being

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incremented otherwise. The processor conducts a channel adaptive filtering process to adjust the SIR target. The channel adaptive filtering process includes two filter processes. The process uses a split sliding window comprising a left side window, a variable gap, and a right side window (see col. 4, line 42 to col. 5, line 25). The main idea here in reference to applicant's invention is that the observation periods of the windows may be different. Thus, this sliding window adaptively changes the amount of time slots for an observation in changing the outer loop threshold. Thus, a good indicator value (logic one) may last a certain amount of time periods but total time for changes the threshold will vary (col. 5, lines 10-25). Thus, Koo meets the concept of applicant's invention. However, Koo does not utilize target frame error rates.

The examiner takes Official Notice that it is well known to utilize a conversion process to equate various units of measurement and that it would have been obvious to modify Koo to include means for determining a target frame error rate since that is the more common measurement unit when analyzing most system parameters.

Allowable Subject Matter

Claims 1, 3, 4, 10-12 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the method of adjusting an outer loop threshold for power control where the variables used for calculating are as given in the claim was neither found, suggested, nor made evident by the prior art.

Regarding claim 10, adjusting the OLT according to a comparison of a fadeDepth(i) and a fadeDepth (i-1) when the frame quality indicator is not equal to a logic one or a logic zero for

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an adaptively determined amount of frames was neither found suggested, nor made evident by the prior art.

Claims 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 6 and 7, the steps outline in the claims for making the required OLT adjustment calculations were neither found, suggested, nor made evident by the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (571) 272-7878. The examiner can normally be reached

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between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.

Alan T. Gantt

Alan T. Gantt

April 2, 2004

Nick Corsaro

**NICK CORSARO
PRIMARY EXAMINER**